

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
CINCINNATI

MICHAEL RHYNES,

Plaintiff,

-vs-

Case No: 09-331

AMERICAN RIVER TRANSPORTATION CO.,

Defendant.

_____/

O'BRYAN BAUN COHEN KUEBLER KARAMANIAN
CHRISTOPHER D. KUEBLER (0004650

(Trial Counsel)

DENNIS M. O'BRYAN (P30545)

Attorney for Plaintiff

401 S. Old Woodward, Suite 450

Birmingham, MI 48009

(248) 258-6262

(248) 258-6047 - fax

ckuebler@obryanlaw.net

dob@obryanlaw.net

_____ /

COMPLAINT

NOW COMES Plaintiff, by and through counsel undersigned, O'BRYAN BAUN COHEN KUEBLER KARAMANIAN, complaining against Defendant as follows:

1. Jurisdiction and venue lie in this action, Defendant conducting business within this forum's boundaries.

2. Jurisdiction is founded under the Jones Act (46 USCA 30104) for negligence, and under the General Maritime Law for maintenance, cure, and wages.

3. At all times material to issues herein Plaintiff served as an employee of Defendant serving as a crew member aboard its vessels, with all acts and/or omissions giving rise to this action occurring in the course of Plaintiff's employment in the service of his ship.

4. On or about August 30, 2008, Plaintiff was in the course of employment when Defendant failed to exercise reasonable care inspecting a tug before leaving on a trip whereby reasonable inspection would have discovered a broken wire, which they should have replaced when it was in their fleet, which Plaintiff consequently had to replace while the vessel was underway and in carrying the replacement wire in an undermanned context he was injured.

5. Defendant's tortious acts aforesaid caused or contributed to Plaintiff's damages, **inter alia**, as follows:

- a. Pain and suffering, past future;
- b. Mortification, humiliation, fright shock and embarrassment;
- c. Loss of earnings and earning capacity;
- d. Hospital, pharmaceutical and other cure expenses;
- e. Aggravation of prior condition, if any there be;
- f. Inability to engage in social, recreational, and other pursuits previously enjoyed;
- g. Mental anguish;
- h. Found;
- i. Maintenance, cure, wages and/or attorney fees.

WHEREFORE, Plaintiff demands trial by jury and judgment against Defendant, together with interest, costs, attorney fees and expenses, all to be methodically adjusted upwards during the pendency of this cause.

O'BRYAN BAUN COHEN KUEBLER
KARAMANIAN

/s/ Christopher D. Kuebler

CHRISTOPHER D. KUEBLER (0004650)
(Trial Counsel)

/s/ Dennis M. O'Bryan (w/ consent)

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Attorneys for Plaintiff
401 S. Old Woodward, Suite 450
Birmingham, MI 48009
(248) 258-6262
(248) 258-6047 - fax
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Dated: May 12, 2009

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DEMAND FOR TRIAL BY JURY

_____ NOW COMES Plaintiff by and through counsel undersigned, O'BRYAN BAUN COHEN KUEBLER KARAMANIAN, and hereby demands trial by jury in the above-referenced cause of action.

O'BRYAN BAUN COHEN KUEBLER
KARAMANIAN

/s/ Christopher D. Kuebler

CHRISTOPHER D. KUEBLER (0004650)
(Trial Counsel)

/s/ Dennis M. O'Bryan (w/ consent)

DENNIS M. O'BRYAN (P30545)

Attorneys for Plaintiff

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